

Village of Skaneateles
Historical Landmarks Preservation Commission
December 19, 2012

Present: Patricia Blackler, Chairman, HLPC
Katherine Dyson, Member
Karlene Miller, Member
Dave Neibert, Member
Andrew Ramsgard, Member
Beverly White, Member
Carol Young, Member

Riccardo Galbato, Attorney to the Historical Commission
Dennis Dundon, Clerk to the Historical Commission

Bob Eggleston, Architect, on behalf of the Applicant

Carrie Chantler, Skaneateles Journal
Chad Rogers, Skaneateles

Absent: Ted Kinder, Member
Mona Smalley, Member

At 7:36 pm Chairman Blackler opened the continuation of the October 10, 2012 and November 14, 2012 Public Hearings in the matter of the Finger Lakes Luxury Homes, Inc. application to make changes to the front and rear facades as part of a redevelopment for 46 East Genesee Street. Mr. Eggleston, who had brought a 3 dimensional model of the project, introduced himself and presented, “Basically Rick Moscarito, having gone through the last two months with the Planning Board and Historic board, has decided to simplify the project; to reduce the application to one dwelling unit that will occupy the 2nd, 3rd and 4th floor and to have the retail space occupy the entire 1st floor. The addition on the back of the building has been simplified and reduced down to 26 feet. It will have a 2 car garage, it will have an exterior stairway, and it will have an exterior elevator – an elevator that will be in the addition as opposed to being internal in the building. One of the big questions that this board has been grappling with is the elevator and the exposure from the street. Now that the elevator is on the back of the building, it only serves the residence. It does not serve the retail. So it serves the basement level, which is the garage and entrance from the back parking. It misses the 1st floor; it goes to the 2nd floor which is the main living space of the dwelling unit, and it goes to the bedroom level – the 3rd floor. Because it is a residential elevator it doesn’t have the required headroom space above the top floor. We can actually fit it underneath the deck to the attic master bedroom level. So the

elevator will not come above even the brick wall; the current brick wall level. So that is gone from being an issue.”

Mr. Eggleston continued, “The front street elevation – we still continue to recess back the existing entrance about 4 feet, so we can have a separate entrance into the retail space and come straight into the stairs, which is actually the beginning of the residence – their front door is on the street. It is not a common stairway anymore, it is strictly the residence. In doing that we are going to reuse the existing door. We will have solid panels on the side, transom above, with the address in the transom above, similar to what it is now. We will be creating a similar front entrance – it will have a similar front door, a glass side light, a panel below and a transom above for the entrance into the store. The idea being the store wants more glass, more exposure; the residence wants less glass, less exposure. The dormer – we have gone from the reverse gable dormer to a much more subtle shed dormer, which was one of the two options that this board had been favoring. Partially because we don’t need the extra space; the attic level is a master suite, so we have a dormer on the back which is the bedroom area, we have a closet/dressing area, we have a master bath on the front. Actually, because of the type of use, we have reduced the height of the dormer to 7 feet on the northern-most portion of it; we have a sloped ceiling up to the 8 foot level. There will be a little bit of structure for a minimal pitch, and basically a flat roof over the dormers. The dormer is going to be placed 5 feet back, so it is further back than what it was proposed before, closer to 3 feet. Also, what will happen because it sets back, we wanted to just put a row of windows. The visual impact and what I have done, similar to what I did before, is done sight lines from the street looking across the street, and also from the end of the Historic District. What I am showing from East Genesee Street, on the north side, is a person standing here – the two lines here are what they see above the parapet and what they see to the top of the dormer. They are only going to see about 3 foot 8 inches of that; so really they are going to see not even the bottom of the windows as they stand on the north side of the street.”

Mr. Eggleston continued, “The other aspect that we have been talking about are skylights. Again what we wanted to do is bring some light into the center of the building – part of it will put some light into the dressing/closet area, the other is to put light over the stair well. There is about a 2, 2 ½ foot wide opening that goes down to the 2nd floor, so we do get some external light on the stairway, that come down adds some light into the center of the building. So we do have these skylights. These skylights are just standard velux type skylights. When you put a skylight on a flat roof, you just can’t have it flush with the roof membrane or they leak. So they do have about a 6 inch curve and then they put a slope on them to raise the skylight up off the surface. So we have shown that as the installation method. And the question is how visible are the skylights from the street or within the District? So in this section 8D, I have shown the skylight from the street – you can’t see it. You have to go up State Street, and if you go 206 feet back, which is the end of the District at the Savings Bank drive-through, that is the point where you will begin to see the very top portion of the skylight as obscured by the dormer. At 206 feet, you still don’t see the skylight. Our feeling is that we have put the lowest reasonable skylight – you can’t just caulk glass into a roof membrane and expect it to be functional. The skylights will not be visible from the street within the Historic District or from the public ways.”

Mr. Eggleston continued, "So that, I think, kind of addresses the massing and the concepts of the front of the building and I have also updated my rendering. This is again standing back by the Savings Bank parking lot up State Street and looking towards the building. Again, we are quite a bit farther back, and so you are going to see the entire window of the dormer. Once you come up to the Phoenix building you'll only see 2/3 of the windows because the parapet obscures that. But from way back you will see the entire window. The windows are about 3, 3 1/2 feet tall. It is a low line, it doesn't break the ridgeline; we have nothing protruding above the ridgeline that is visible from that point. Are there any questions relative to the north façade treatment of the building?"

Member Miller said, "I think this is a big improvement over what you had done before. I really do." Member Young said, "Bob, I'm still not in favor of having skylights." Member Neibert said, "Yeah. My two cents is I think everything is great with the exception of the skylights. And I am still absolutely opposed to anything breaking the roof line of the buildings. If the skylight can be done on the backside so that it doesn't extend above the peak roof line... You know, I was in the restoration business for 35 years. I can't tell you how many jobs we did; I don't know what the fascination is with skylights, but I can't tell you how many jobs we did of skylights leaking and condensation and staining of the ceilings and dripping on the carpets -- hundreds and hundreds of them. So I know that the very nature of a skylight lends itself to that kind of problem; if not now, down the road. I know this from being in the business. However, that has nothing to do with it. If the guy wants a skylight, he wants a skylight. I'm just opposed to anything that protrudes above; whether it's visible or not. I think we're opening a can of worms if we allow anything to be above the roof line. Because the next project is going to be; the next thing you know every building is going to have something going up there. To me, that's the big factor -- it's just a matter of the principle of having nothing above the fire walls or the peak roof line. I don't care if it's visible or not. It's just the principle."

Chairman Blackler asked, "You are talking just about the skylights?" Member Neibert replied, "The skylights; only the skylights. Everything else I think is great. I love the dormer, I love the entrance. I think the back, I think the elevator's been addressed. Everything. It's just the visibility of the skylights. And if they can be incorporated and maybe moved back down the roof a little bit so they fall below the roof line; I don't know. To me, that's the only factor I have is the visibility of skylights above the roof line. Whether it is visible or not, it's just the principle of having a structure above the roof line and setting a precedent that can be followed forever; throughout the rest of the Village." Member Young said, "I completely agree." Member Neibert, "One thing will lead to another and it's going to be one thing after another, once you open that can of worms." Member Young, "And you have it so it comes down the stairwell. You do have windows on both of those sides, which presumably doors would be open and light would come in. And you'll have a light fixture, I'm sure, that would come down there. And it's the same with the closet, you know."

Mr. Eggleston said, "I'm sorry that I don't have the specific working drawings for Eloise Luchsinger's, but she has skylights in her roof." Member Young, "But it doesn't matter." Member Neibert, "But you don't see them. If you don't see them I don't care what's up there." Mr. Eggleston, "You will not see these." Member Neibert, "If it is on the back side of the

building and below the roof line, they can have all the skylights that they want. Just so it's not above the roof line and visible. That's my personal feeling." Member Young, "I think we just have to say no to the skylights."

Chairman Blackler, "Bob, this last one has the skylight. Now on here, put your finger on where the skylight would be." Mr. Eggleston, "It's behind this ridge, because you can't see it when standing on ground." Member Dyson, "But where were you standing, though?" Mr. Eggleston, "I was standing way back at the savings bank building." Member Dyson, "That's not that far back though Bob – do you think?" Mr. Eggleston said, "What happens is when you get up to Academy Street, you're not going to see it because it is so small." Member Young said, "We went through the same thing with the Lakeview House, where things weren't going to show."

Chairman Blackler said, "With this map 8 D you are showing us that you can't see the skylight from where you are standing." [Multiple simultaneous conversations] Member White asked, "Bob, is this the only model skylight that would work?" Mr. Eggleston replied, "There might be some that don't have the slope; I'd have to check them out for the appropriate application. What would happen is you'd get a taller curve, if it's a flatter slope on the skylight." Member White, "That would make it more visible?" Mr. Eggleston, "It would make the bottom more visible, and the top; you probably would gain about an inch or two, because you wouldn't have that sloping up as high." Member White, "I can certainly understand why you want it in that position over the stairwell." Chairman Blackler, "I still want to know why the last one you gave us and the one you have in your hand – this one has nothing showing the skylight..." Mr. Eggleston, "Drawing 2 is an elevation so it does not take perspective into account. It is as if you were standing a million miles away with a very strong telescope looking back toward it. This is more true to what you will see."

Member Dyson asked, "How far do you have to go up State Street before it comes into view? How many residences?" Mr. Eggleston, "You would have to be probably another 100 feet up so another two or three residences. But will you actually see it? Because it is so minor, it would be less than a fraction of an inch in the plane that you are at to actually see it. If anything it might look just like a shingle out of place." Member Dyson, "What are the dimensions of the..." Mr. Eggleston, "The skylight. We were looking at something in the 36 inch wide range; 36 by 48. It would be about 8 inches; the height of the actual skylight would be 8 inches above the curve. It would be 6 inches to maybe 14 at the back." Member Dyson, "14 from the, where it starts." Member Young, "But because State Street goes up at an angle, you're going to see it is very visible coming down that hill." Member White, "I myself wonder how far we need to go up State Street. Number one, there are trees all along there."

Mr. Eggleston said, "This is probably the base photo that we took our perspective from; what happens is the Village Office is actually on the east side of State Street, and Eloise Luchsinger's building is kind of dead-on and Kiltz is really on the west side. So the further you go up, the more you lose it to the street and trees and all of that." Member Neibert, "I know. But to me the thing is not whether it is visible or not; it is the principle of allowing a structure to be higher than the roof line of the building, whether it is visible or not. The next building is going to want to do something and it's going to be maybe that one will be visible. I just think that we are opening a

can of worms allowing structures on the tops of these buildings to be higher than the roof line. That is a plane that to me should not be broken, the roof line. Everything should be below the roof line. And once you start allowing that first structure above the roof line, then every project that comes down the road is going to want an elevator tower, skylight thing, this-that-or-the-other, and you are going to have stuff all over the place.”

Chairman Blackler asked, “Somebody else want to comment?” Member Ramsgard said, “Yes, I do. Though I did like the dormers in the other scheme that the applicant had presented, I do think the dormer that is presented here is a reasonable approach. I disagree with the Planning Board in their esthetic opinions, and some of the other Board members relative to the dormer – but I do think it is reasonable within the bounds of what is in the Historic District. I think the applicant has made a reasonable effort to compromise in balancing being an owner and respectful of an historical property. I am one of the only few owners of property that would be able to see the skylight as it exists from my second-story window – discounting the library and the bank. I will be able to see it but I don’t find it objectionable. There is a roof hatch on the existing building that projects past the roof line. While the perspective, I believe, is not 100% accurate, you would be able to see it a tiny bit from this angle. It is certainly less objectionable than the current condenser coils up there. So I think that’s a huge improvement to the esthetics in the Village. I would support approval of the dormer, and the renovations to the building as they are currently proposed.” Member Miller said, “I would agree with that.” Member Dyson, “They really want the skylight. It seems to me that it is a more modern look, rather than in keeping with the historic look. If it were conservatory...” Mr. Eggleston, “I got blasted last time for having that type of skylight. We did a pyramidal skylight, typical of what would have been seen on an 1800s building. We eliminated that even though it would have been appropriate on an 1800s building. Skylights are not new...” Member Neibert, “I don’t have a problem with a skylight...” Member Young, “And isn’t there a slant to the roof there? Can’t the skylight go flat on the slant?” Mr. Eggleston, “You have to have a curve. You have to provide flashing to install this properly. That’s why skylights don’t leak anymore and it’s a good thing you retired when you did.”

Member Neibert, “Can it be moved back down the roof line a little bit so it’s not...” Mr. Eggleston, “I could do a clerestory that would be a reverse gable to have the sun come in.” Member Neibert, “I mean if it’s visible from the lake I don’t care, it’s the street side that’s important. If it sticks out on the back side...” Member Dyson, “I don’t agree with you on that. I think that the back sides of these buildings; that we should take a closer look as we go forward, because we are getting visual boat traffic...” Member Neibert, “My personal opinion is to eliminate it completely and not even have it up there.” Member Young, “Exactly.”

Member Ramsgard said, “There is a very interesting painting in the Barrow Art Gallery. For one of the most famous painters in Skaneateles, and painting all the scenes, the only scene he ever painted of any interest in the back sides of those buildings was the Great Fire. There was nothing ever to look at back then either. History always has a backside. I think the montage of what’s there on the backs of those buildings is probably just as appealing as the front side; but it is because it’s a montage, it’s not the structured, ordered piece that’s the front side of the street

and the front face.” Member Neibert said, “The back is a hodge-podge but it all kind of blends together.”

Chairman Blackler said, “Can we leave the front for a minute and go to the back?” Mr. Eggleston said, “I would like to go to the back. I’d like to talk about the south elevation. The problem with elevations is that they are two-dimensional. I decided to build a quick model of the back so you can understand what’s going on. What I have done with this model is that I have taken the profile of 44, Luchsinger’s building, the party wall and additions on the side. Then also the profile of Sharpe’s building. The original parapet walls on each side. Luchsinger has built out more on her side. Sharpe actually has 3 feet over a 2nd floor wing that comes out, but it’s not shown because it’s not on the party wall. Here’s the original building right here. We came out a full 26 feet, which is about 6 feet short of the end of the Luchsinger and Sharpe buildings, for the garage. We brought the roof deck of the first floor out to the same 26 feet, and we have an 8 foot porch on the back side with 18 feet of additional retail space. So the garage is 26 feet out from the original building, and the retail first floor is 18 feet out from the original building. Then the 2nd, 3rd and dormer level are flush with the back of the building; one having a 12 foot roof over it for a 12 foot deep porch, and the balance of that 26 feet being deck. The third floor has a 9 foot roof over it, so it has 6 feet exposed and 9 feet of protection. The attic level just has a deck with no roof over it. We were proposing like a 3 foot overhang on this to provide some sun protection. Anyone who is familiar with the south side of these buildings – it gets very warm, both in the summer and in the winter.” Chairman Blackler asked, “And you have the 3 foot overhang here on this little model?” Mr. Eggleston, “Yes. This doesn’t show because I didn’t get this roof put on, but it shows up on the floor plan that it would hang out that 3 feet. While this is flat, in reality this steps back – which I think is a big improvement over having come out 26 feet with everything and just bringing things back a little bit. That’s more like the Luchsinger building, which is very vertical; but the Sharpe building comes back. This afforded Luchsinger to keep her views to the east. She has a beautiful view that looks right down to St. James Church. So we have nothing blocking her view and we actually are able to look on the attic and second floor, we are looking across Julie Sharpe’s deck, and on the attic we are looking above her deck, so we kind of pick up that east view as well.”

Chairman Blackler, “So the people on either side of you have a better view than they had under your original proposal?” Mr. Eggleston, “Absolutely. We do have, just for the record, both Julie Sharpe and Eloise Luchsinger have signed off as having no objection to the proposal.” Chairman Blackler clarified, “This is the new proposal you are talking about.” Mr. Eggleston, “Correct. That’s the 12/12 version.” Chairman Blackler asked, “They still lose windows.” Mr. Eggleston, “Yes, they will lose some windows. The arrangement of this, as Andy pointed out, the beauty of Genesee Street is the consistency of the windows, the rhythm, with the individuality occurring on the first floor with the storefronts. Then you have the very strong parapet line, and then you have these different things happening at the attic level. On the back side, I think it is the montage that Andy was talking about – the fact that there is some randomness to it and it has more of that Italian, Mediterranean kind of uniqueness.” Chairman Blackler said, “I like the step-backs; I think they are nice.” Member Dyson said, “I do too.”

Mr. Eggleston said, “Doug Southerland’s comment was having a little more organization to this. I have sent this to Doug; Doug is pleased with it, he feels we are going in the right direction. We have the exact same window combination on the third floor as on the first floor – with the double-hung windows of similar proportion to the front. And we have aligned the east side of the 1st, 2nd, 3rd floors so that kind of becomes the base everything comes off from, and it has worked relatively well. The attic- we have put the triple sliding door, again with that similar grid pattern, centered which I think is appropriate, because that does stand as a strong element that requires that sliding door be centered in and of itself. On the 3rd floor, we have a bedroom that has the 3 windows. We had the elevator coming into a common sitting area that allows everyone in the building to have access to this deck, and also gives them the fire safety of being able to come down the exterior stairs. So that’s why we have the requirement for this door; it’s snug against the elevator. The elevator on the 2nd, 3rd floor is projecting out, but on the 1st floor the retail space projects out further. What we have allowed is for the retail space to enjoy the ability to have that second means of egress out this stairway and down, so that’s why we have left that open 7 feet wide, and the retail space is roughly 18 feet wide. You never see it like this unless you are in Mandana with a high-powered telescope, but I think the fact that we are using a similar grid pattern in the windows; it kind of says this is the same building and it is doing its thing back there. It does organize the randomness to an appropriate – and I think that’s the key word – something appropriate for the south elevation.”

Member Young said, “What bothers me, and I think Doug Sutherland was talking about this too, it is very busy, because each floor is totally different -- the 1st floor, where you have the 3 windows, but you are missing the door that’s on the 4th floor. If you could put the door in there so it would match up; I understand that you have a door on the side for the retail, but why not put the door in the back so that then it would match the 4th floor.” Mr. Eggleston, “That would be 18 feet further back from the windows. To put a door in the same location here, encloses this stairway. If this is the fire escape for the 3rd floor, now they have to enter the building to then leave; it would have to be an unlocked door...” Member Young, “Well the stairway is going to be used in emergencies, right?” Mr. Eggleston, “The stairway will be used on a regular basis by the residents. We are talking about a residential elevator, they are not a fast elevator, they are a functional, serviceable elevator and it only has 3 people at the most in it. So it is great for when you are coming home and bringing groceries in – as far as going down to the lake, they will be up and down those stairs all the time.” Member Dyson, “But this is only one dwelling, correct?”

Member Neibert said, “This is a corner and then this part goes back.” Member Young, “Right. So you are saying to get to the elevator...” Mr. Eggleston, “The elevator is not accessible on the 1st floor. It passes the 1st floor.” Member Young, “Well then I don’t see what the problem is. It seems to me that the door should be there and then this 1st level would match that 4th level.” Mr. Eggleston, “I guess that what I’m saying is that from the standpoint of; the 1st floor is 18 feet forward.” Member Young, “If this floor looks like it is supposed to be like this one...” Member Dyson, “I like it that way. It’s not missing a door.” Member White, “I don’t have a problem with that.” Member Dyson, “I like the eclectic look.” Member White, “I do too.” Member Ramsgard, “Which side has the skylight? I added something. The reality is that at eye-level, from where you are sitting, in-scale at 1/8th inch scale, about 200 feet is 30-something inches away. You can’t see the skylight.” Member Neibert, “As I said, I don’t think it is a matter of

being visible or not. It's the principle of allowing a structure on the roof that extends above the roofline. I don't care if it is visible or not – the roofline is a line that shouldn't be broken by any constructed structures up there.” Member Miller said, “But aren't there other properties along here who have the same thing?” Mr. Eggleston, “If you took an aerial photo of the roofs, you would be amazed at all the stuff up there that you do not see. Condensers, pipes, you never see them.” Member young, “But we don't have to continue.” Mr. Eggleston, “As blatant as that pimple is, actually I call it an abcess – who knew that that condenser was on the top of this roof. Until you get a photograph of it and you study and look at it, you go by it everyday, you come down State Street all the time – you don't see that. Your eye just kind of puts everything together.”

Member Neibert, “I'm sure that there is some way that you can reconfigure that skylight...” Chairman Blackler said, “Can we not talk about the skylight. We are talking about the back and I have two questions. Bob, could you give me a little more explanation about this indoor elevator that you call exterior and that only goes to the 3rd floor?” Member Ramsgard, “The elevator is inside, adjacent to the outside wall.” Chairman Blackler, “That's what I mean. I've got it on the map here. Turn [the model] around. This thing. Is that the elevator?” Mr. Eggleston, “That's the elevator.” Chairman Blackler, “And it only goes to the 3rd floor and it is inside even though you say it is exterior?” Mr. Eggleston, “It is an interior elevator that is added on to the exterior of the building.” Chairman Blackler, “You have a thing that you have changed the design of the two doors. This one you liked better? This one the two doors was not the same design that you had last month. I was just wondering if this is the one you like the best. In your narrative you had a word for it; you changed it the second time and now this is the third time.” Mr. Eggleston, “This is the same as the October drawing. We didn't have it on the September application, but it has been with us since October 24.” Chairman Blackler, “So the only thing you see from the back of the building is the square of the elevator?” Mr. Eggleston, “On the upper levels.” Chairman Blackler, “You go into it from the basement and it comes into the 3rd floor.” Mr. Eggleston, “To get into the elevator you come into the garage. The only way you can get to the elevator on the first floor is in the garage into an inside entry. And then you can get the elevator. From the outside, you actually come in through a gate. I am questioning whether the gate will be on the basement level or on the 1st floor level, because we will have the employees of the retail will be able to park in the back. So they will be walking up it daily to get into their store. So we may actually put the gate on the 1st floor leading up to the 2nd floor. That's where you get the privacy.” Chairman Blackler, “And the only people who use that elevator are the residents.” Mr. Eggleston, “Correct. So they come into the garage, into the elevator, miss the 1st floor, they come out on the 2nd floor into the great room living space or they can take it to the 3rd floor. And it is only available to them.”

Member Young asked, “Can you explain one more time why you cannot have the door on that 1st level?” Chairman Blackler said, “That seems very important.” Member White said, “I don't think that's important at all.” Member Young, “OK. If no one else thinks it is important; I think it really stands out to me.” Member White said, “I think when the railings are all the way across those floors, a lot of it will be gone.” Member Dyson, “It could look a lot busier if you stick a door in there. It's kind of a nice relief.” Member Miller said, “I like it the way it is.” Member White said, “I like it too.”

Chairman Blackler opened the public comment portion of the hearing, asking, "Is there anyone who would like to speak in favor of the application?" Hearing no one, she asked, "Is there anyone who would like to speak in opposition to the application?" Again hearing no one, Chairman Blackler said, "I move that we close the Public Hearing." Member Ramsgard seconded the motion. Upon the unanimous vote of the members present in favor of the motion, Chairman Blackler declared the Public Hearing closed.

Chairman Blackler asked if there were any further discussion. Member Dyson said, "I want to just say one thing, because the door apparently seems to be an issue. I like the eclectic look of having that space. It is kind of a relief from all the other windows that you see and adds a little bit of character, I think, in the design. I don't think you stick a door just to stick a door someplace..." Member Young, "It's to match a..." Member Dyson, "I don't think that's a good premise to go for, just because it seems to match it. I like it mismatched actually. It seems to balance, and I don't see its purpose." Member Miller said, "I agree with you."

Member Neibert said, "I want to make a motion. I move to approve the whole project with the exception, with the alteration of the skylight situation. Everything else, as far as I'm concerned, is perfectly fine." Some discussion ensued over having two motions on the floor at the same time. Attorney Galbato observed that the motion had not been seconded, and thus would die. **Member Young said, "I second it."**

Member Ramsgard said, "I move to amend that motion, in that we approve the project as designed, based on drawings dated 12th December 2012. The approval is conditioned upon applicant's submission of the materials that are proposed, that require further approval by this Commission in the Historic District, and that those materials be submitted with samples, colors and specification numbers required for a Certificate of Approval and to maintain the record. Upon receipt of those submissions for approval, the Clerk is directed to schedule a further Public Hearing for the final appropriate approval." Member Miller said, "I'll second that motion."

Member White asked for an explanation of the last couple of sentences of the proposed amendment. Member Ramsgard responded, "We have yet to have before us what the colors of the materials are, which is very significant to our approval and the roofing materials – all of the physical characteristics of the material. What we have in front of us is the shape and form and the profile of the building. So my motion is that we approve those portions as outlined in the drawings dated December 12 and that the applicant come back before us for further approval for the specific texture, color and materials that it is to be built from." Member White, "Thank you." Attorney Galbato, "Just to be clear your amendment is to approve the drawings as submitted; the applicant has to provide further information; you are requesting another Public Hearing and a vote at that time, when the Board is ready, at which time there will be a vote on the Certificate of Approval." Mr. Eggleston, "What I would like to point out is that this application is a concept, massing approval for the redevelopment of the property -- colors, finer details, fixtures will be another application. The purpose is to get the massing down, the basic concepts that we're talking about; we are expecting to come back prior to receiving a building permit to get the rest

of the things that would be appropriate for a final Certificate of Approval. We're only looking for a massing concept approval." Member Dyson, "Would it also be appropriate that we get drawings of fixtures, windows – I would really like to see what the skylight is going to look like, rather than just a little; what kind it is and how it works, because I would prefer to see no skylight or an in-period skylight." Mr. Eggleston, "Absolutely, and I think those are the things that we can flesh out during a more in-depth review. And understanding, as I explained three months ago, because this is a major project and because we are also doing site plan review and because we are also doing Zoning Board of Appeals for Variances, because we are doing Critical Impact, we wanted to get the concept down and we would be more than glad to come back in. I thought it was important to come early to the Historic Preservation Commission – not after all the decisions are made by all the other Boards. And that's why we wanted to do this unilateral application process."

Mr. Dundon clarified that while conceptual approval had been mentioned in prior meetings, this application was for a Certificate of Approval and the Commission would take action on that Certificate when the remainder of the required submissions has occurred.

Chairman Blackler called for a vote on the amendment. Voting 'Aye' in favor of the amendment were Chairman Blackler and Members Ramsgard, Miller, Dyson and White. Voting 'Nay' were Members Young and Neibert. On a vote of 5 to 2 the amendment passed. Discussion then ensued as to what effect passage of the amendment had on the original motion.

Member Young said, "This is the Historic Commission, right? I don't think I have ever heard anyone say 'No' in this Commission. I mean we're allowing skylights to be put on top of one of the historic buildings that is in this District. That's all I have to say."

Chairman Blackler called for a vote on the motion as amended. The Chairman requested that the motion be restated. By Member Ramsgard, seconded by Member Miller, **"I move that we approve the project as designed, based on drawings dated 12th December 2012. The approval is conditioned upon applicant's submission of the materials that are proposed, that require further approval by this Commission in the Historic District, and that those materials be submitted with samples, colors and specification numbers required for a Certificate of Approval and to maintain the record. Upon receipt of those submissions for approval, the Clerk is directed to schedule a further Public Hearing for the final appropriate approval."** Member Neibert argued for his original motion. Attorney Galbato said, "The motion was amended by Andy, it was seconded, and the amendment passed." Mr. Dundon summarized the motion, "That the project be approved based on the September 12 drawings, that approval is conditional upon the applicant returning with materials, colors and samples of the changes to be made, which will include the specifications for the skylights, I'm sure. And that there is to be another Public Hearing scheduled when we have received those submissions, at which time there will be a vote – and if approved we will issue the Certificate of Approval that was the reason for the application." Member Young asked, "So this means that we can say no to a skylight later on if we don't like the design?" Mr. Eggleston, "That means you can say 'No' to the choice of skylight." Attorney Galbato clarified, "Because the skylight is in the drawings. You are approving it, because the motion on the table reflects skylights."

Member Dyson said, "I think it's a little foggy though right here, because on one hand the skylight is sitting up 14 inches and is approximately 3 by 4 feet." Mr. Eggleston, "And when we come in next time you are going to know exactly what size, what model number, what height that skylight is." [Multiple simultaneous conversations] Member Ramsgard said, "The motion comes down to the material choice of what the exterior skin that's wrapped around the surface volumes depicted in the drawings, to be very technical about it. The choice of those materials may have significant inappropriateness or appropriateness. By way of simple example and hyperbole – if the skylight came in as dayglow orange and you could see it from space with a strobe light, it would probably be inappropriate. But if it was so-chosen that the material of the skylight exactly blended in with the roof, it would be highly camouflaged and undetectable. And that's why material choices are important." Member Neibert said, "But your amendment approves it – the size, shape and visibility."

Chairman Blackler called for the vote on the amended motion. Voting 'Aye' in favor were Chairman Blackler and Members Ramsgard, Miller and White. Voting 'Nay' were Members Neibert and Young. Member Dyson abstained. On a vote of 4 to 2 with one abstention the amended motion failed. Attorney Galbato noted that a majority of the full Board must vote in favor of a motion to take action.

Member Dyson explained, "I don't like to see the roofline broken either. I see your sight lines and I'm really worried about a precedent of establishing modern skylights on top of historic buildings. That's my main concern. I honestly don't understand why they even need a skylight. Everything else looks great." Mr. Eggleston, "As I see it, while the concept is that we have a skylight, if I can't satisfy – in the next application – that we have an appropriate skylight, then we don't have a skylight. In honesty, I don't see what's lost from what the original motion was. Conceptually, it is possible to have a skylight, but it doesn't mean we can have a skylight if it is not appropriate. So it is my job to sell you on the choice of skylight, to be appropriate. If I come in with vinyl windows, you're going to say 'you can't have vinyl windows'." Member Dyson, "you are talking the skin around it, whether it is clad or whatever..." Mr. Eggleston, "Also, by the time we come in with model number and so on you are going to see the exact profile. Right now do I know the exact profile? No. I have based it on some concepts of skylights I am familiar with. It doesn't mean I have exhausted every possibility on skylights. Maybe I can find, for enough money, a skylight that is dead flat with the skin of the roof. In which case, I suspect, a couple of people would be quite ecstatic about it." Member Dyson, "It would be no problem." Mr. Eggleston, "In all honesty, for the folks who are against the skylight, it's not over for them; because if I can't come up with a skylight that's appropriate, it won't get approved." Member Young, "If we don't like it for any reason, we can not-approve the skylight." Mr. Eggleston, "The issue is whether the skylight we choose is appropriate. As you have seen from experience and as Andy can attest as well as I, just because we come in with our first selection of materials doesn't mean that's what finally gets approved. We work on it until we get so that it is approved, or we give up and say there is no skylight."

Member Dyson, "Bob there's a difference between materials and skin and shape and extension." Member Neibert, "Are there any other skylights on any buildings in the Historical District?" Mr. Eggleston, Chairman Blackler, Member Dyson and Member White all answered in the

affirmative. Member White said, "You have no side windows. You only have the north and south windows." [Multiple simultaneous conversations]

Member Ramsgard said, "I would make a new motion that we approve the design based on drawings dated the 12th of December 2012, without prejudice to the appropriateness of the materials of the skylight, and that this approval is contingent upon the applicant completing the submitted samples of colors and materials to be used, so that appropriateness may be determined in the use on the building and that a Public Hearing shall be held before the Certificate of Approval could be granted and issued, so that the public could be heard as to the appropriateness of those materials." Chairman Blackler said, "I second it."

Chairman Blackler called for the vote on this new motion. Voting 'Aye' were Chairman Blackler, and Members Ramsgard, Miller, Dyson and White. Voting 'Nay' were Members Neibert and Young. Upon a vote of 5 to 2 in favor of the motion, the motion was carried.

The meeting was adjourned by acclamation at 8:45 pm.

Respectfully submitted,

Dennis Dundon, Clerk to HLPC